

July 15, 2010

**NOTICE OF SURPLUS DETERMINATION - GOVERNMENT REAL PROPERTY**

**HARLEY O. STAGGERS BUILDING  
75 HIGH STREET  
MORGANTOWN, MONONGALIA COUNTY, WV 26505  
GSA CONTROL NUMBER: 4-G-WV-0557  
HUD ASSIGNED PROPERTY NUMBER: 542010520013**

Notice is hereby given that the above-mentioned property has been determined to be surplus Federal Government property, and is available for disposal pursuant to certain provisions contained in 40 U.S.C. 101 et seq., the Property Act, as amended and applicable regulations.

The U. S. Department of Housing and Urban Development (HUD) has determined that the property is suitable for possible use for facilities to assist the homeless under the Stewart B. McKinney -Vento Homeless Assistance Act (42 U.S.C. 11411), as amended, and was published in the Federal Register on 7/9/2010.

Proposals to assist the homeless will be granted priority consideration. Other public benefit uses of the property will be subject to a determination from the Department of Health and Human Services (HHS) that (1) there are no expressions of interest for the property to assist the homeless or (2) there are no applications or no application has been approved for homeless assistance. GSA will not act on other requests for the property until a final determination from HHS has been received.

**PROPERTY DESCRIPTION:** The property is located at 75 High Street, Morgantown, West Virginia, consisting of a three-story structure, with a penthouse and a basement, with a rentable area of 65,605 square feet and a two-level, 146 spaces parking garage. The exterior of the building is masonry-style brick construction with concrete accents. Asbestos Containing Materials (ACM) were found in the building; specifically in the floor and ceiling tiles, fire insulation materials, and the boiler room gaskets. Due to the age of the building, lead-based paint may also exist. In 1976, approximately 300 gallons of polychlorinated biphenyl (PCB) oil was released on the upper level of the parking garage. The spill affected the area at the base of the stairs to the loading dock, the upper level maneuvering area and the lower level parking lot, beneath a transformer. The transformer was repaired and subsequently removed. Surface wipes and concrete chip samples were collected in 1988, 1990, and 1994 and indicated the presence of elevated levels of PCBs. Per discussion with EPA, additional sampling of the concrete are required. A Sampling Plan has been submitted and approved by EPA. Based on the results of the

proposed sampling activities, remedial recommendations may include no action, surface cleaning, sealing/encapsulation, or scarifying/shot blasting of affected concrete surfaces. The future owners of the property will be responsible for maintaining the remedial measures that GSA applies to the parking garage to restrict or prevent human exposure to any residual PCBs. This responsibility will be stated in the deed in a form of engineering and land use controls.

The property is offered "AS IS" and "WHERE IS" without representation, warranty, or guaranty as to quantity, quality, title, character, condition, size or kind, or that the same is in condition or fit to be used for the purpose for which intended.

The applicable regulations provide that public agencies (non-Federal) shall be allowed a reasonable period of time to submit a formal application for surplus real property in which they may be interested. Disposal of this property, or portions thereof, may be made to public agencies for the public uses stated below whenever the Government determines that the property is available for such uses and that disposal thereof is authorized by the statutes cited and applicable regulations: (SEE FMR 102-75.35 FOR OTHER STATUTES.)

<u>STATUTE</u>	<u>TYPE OF DISPOSAL</u>
40 U.S.C. 545 (b)(8)	Negotiated sales to public bodies for public purposes generally
40 U.S.C. 553 (b)(1)	Correctional facility use
40 U.S.C. 550 (d)(1)	Protection of public health (Homeless use/drug rehab)
40 U.S.C. 550 (d)(1)	Protection of public health, including research
40 U.S.C. 550 (c)(1)	School, classroom or other educational purposes to public bodies & eligible nonprofits
40 U.S.C. 553 (b)(2)	Emergency management response purposes including fire and rescue services
40 U.S.C. 553 (b)(2)	Law enforcement purposes

If any public agency desires to acquire the property under the cited statutes, notice thereof in writing must be filed with the appropriate Federal agency, listed on the following pages, no later than thirty **(30)-calendar days** from the date of this Notice. In addition to filing notices with the proper agency, copies of all such notices should be sent to the following address, **within the same 30-calendar day period:**

U.S. General Services Administration (GSA)  
Public Buildings Service  
Real Property Utilization and Disposal Division (4PZ)  
Attn: Rob L. Miller, Jr., Zonal Director  
401 West Peachtree Street, NW, Suite 820  
Atlanta, GA 30308  
Phone: (404)331-5133

Such written notice shall:

- (1) Disclose the contemplated use of the property.
- (2) Contain a citation of the applicable statute or statutes under which the public agency desires to procure the property.
- (3) Disclose the nature of the interest if an interest less than fee title to the property is contemplated.
- (4) State the length of time required to develop and submit a formal application for the property. (Where a payment to the Government is required under the statute, include a statement as to whether funds are available and, if not, the period required to obtain funds.)
- (5) Give the reason for the time required to develop and submit a formal application.

Upon receipt of such written notice, the applicant shall be promptly informed concerning the period of time that will be allowed for submission of a formal application. In the absence of such written notice, or in the event a public use proposal is not approved, the regulations issued pursuant to authority contained in the "Property Act", provide for offering the property for sale.

Any planning for the stated public uses of the property sought to be acquired subject to a public benefit allowance or negotiated sale must be coordinated with the appropriate Federal agency listed below. An application form to acquire property for the stated use, and instructions for the preparation and submission of an application, may also be obtained from that same agency.

Any planning for a correctional and law enforcement facility use of the property subject to a public benefit allowance must be coordinated with the U.S. Department of Justice. An application form to acquire the property for a correctional and/or law enforcement facility requirement and instructions for preparation and submission of such application may be obtained from:

U.S. Department of Justice (DOJ)  
Office of Justice Programs  
Bureau of Justice Assistance  
Ms. Maria Pressley-Berry, Senior Project Manager  
810 7<sup>th</sup> Street, NW, Room 4423  
Washington, DC 20531  
Phone: (202)353-8643

Any planning for a public health use of the property subject to a public benefit allowance must be coordinated with the U.S. Department of Health & Human Services. An application form to acquire property for a public health requirement and instructions for the preparation and submission of any application may be obtained from:

U.S. Department of Health & Human Services(HHS)  
Ms. Theresa Ritta  
Chief, Real Property Branch  
Division of Property Management, PSC  
Room 5B-17, Parklawn Building  
Rockville, MD 20857  
Phone: (301)443-2265

Any planning for an educational use of the property subject to a public benefit allowance must be coordinated with the U. S. Department of Education. An application form to acquire property for an educational requirement and instructions for preparation and submission of such application may be obtained from:

U.S. Department of Education(DoE)  
Federal Real Property Assistance Program  
Ms. Mary Hughes  
400 Maryland Avenue, SW, Room 2E307  
Washington, DC 20202  
Phone: 202-401-3587

Any planning for an emergency management response use of the property subject to a public benefit allowance must be coordinated with the U.S. Department of Homeland Security. An application form to acquire property for an emergency management response requirement and instructions for the preparation and submission of an application may be obtained from:

U.S. Department of Homeland Security  
Federal Emergency Management Agency(FEMA)  
Ms. Jeannie Murphy-Knox, Realty Specialist  
300 D Street SW, Room #836  
Washington, D.C. 20472  
Phone: (202)646-4613

Application forms or instructions to acquire property for all other public use requirements may be obtained from:

U.S. General Services Administration  
Public Buildings Service  
Real Property Utilization and Disposal Division (4PZ)  
Attn: Rob L. Miller, Jr., Zonal Director  
401 West Peachtree Street, NW, Suite 820 (4PZ)  
Atlanta, GA 30308  
Phone: (404)331-5133

If any public agency considers that the proposed disposal of this property is incompatible with its developmental plans and programs, notice of such incompatibility must be forwarded to the aforementioned address not later than thirty (30)-calendar days from the date of this Notice.

**URBAN LAND USE - DISPOSAL**

Sec. 904.

(a) Notice to Local Government. Before offering real property situated within an urban area for sale, the Administrator of General Services shall give reasonable notice to the unit of general local government exercising zoning and land-use jurisdiction in order to provide an opportunity for zoning so that the property is used in accordance with local comprehensive planning described in subsection (c).

(b) Notice to Prospective Purchasers. To the greatest extent practicable, the Administrator shall furnish to all prospective purchasers of such real property situated in an urban area complete information concerning:

- (1) current zoning regulations and prospective zoning requirements and objectives for property if it is unzoned; and
- (2) (A) the current availability of streets, sidewalks, sewers, water, street lights, and other service facilities; and  
(B) the prospective availability of those service facilities if the property is included in local comprehensive planning described in subsection (c).

(c) Local Comprehensive Planning. Local comprehensive planning referred to in subsections (a) and (b) includes any of the following activities, to the extent the activity is directly related to the needs of a unit of general local government:

- (1) As a guide for government policy and action, preparing general plans related to:
  - (A) the pattern and intensity of land use;
  - (B) the provision of public facilities (including transportation facilities) and other government services; and
  - (C) the effective development and use of human and natural resources.
- (2) Preparing long-range physical and fiscal plans for government action.

- (3) Programming capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financial planning for expenditures in the earlier years of a program.
- (4) Coordination related plans and activities of state and local governments and agencies.
- (5) Preparing regulatory and administrative measures to support activities described in this subsection.

It is requested that the information contemplated by Section 904(b) of P.L. 107-217 be furnished the Zonal Director, Real Property Utilization and Disposal Division at the address cited above, within 30-calendar days from the date of this notice so that the required information will be available to that office.

If there are no current zoning regulations or prospective zoning requirements and objectives for the subject property, if unzoned, and the unit of general local government having zoning authority desires the opportunity, pursuant to Section 904(a), of zoning the property in accordance with local comprehensive planning prior to our offering of this property for sale, please advise our Real Property Utilization and Disposal Division in writing within 30-calendar days from the date of this notice and state the time required for promulgation of such zoning regulations.

Your cooperation in connection with the above matters will be appreciated.

